

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM PIMENTAL.

Petitioner.

vs.

WARREN L. MONTGOMERY, Warden.

Respondent.

CASE NO. 16cv2212-LAB (DHB)

ORDER VACATING JUDGMENT

15 William Pimental's objections to Judge Porter's Report and Recommendation were
16 due February 16, 2018. They were docketed on March 2. But Pimental turned them over to
17 prison staff on February 15. "Under the 'mailbox rule,' a pro se prisoner's filing of a state
18 habeas petition is deemed filed at the moment the prisoner delivers it to prison authorities
19 for forwarding to the clerk of the court." *Stillman v. LaMarque*, 319 F.3d 1199, 1201 (9th Cir.
20 2003). Pimental filed his objections on time. Accordingly, the Court vacates the judgment
21 [Dkt. 26] and the order adopting the R&R [Dkt. 25], and will issue a new order after carefully
22 reviewing Pimental's objections.

IT IS SO ORDERED.

24 Dated: 3.9.18

Laura A. Barr

HONORABLE LARRY ALAN BURNS
United States District Judge